

112TH CONGRESS  
1ST SESSION

# H. J. RES. 79

Making continuing appropriations for fiscal year 2012, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Mr. ROGERS of Kentucky introduced the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committees on the Budget and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## JOINT RESOLUTION

Making continuing appropriations for fiscal year 2012, and  
for other purposes.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       That the following sums are hereby appropriated, out of  
4       any money in the Treasury not otherwise appropriated,  
5       and out of applicable corporate or other revenues, receipts,  
6       and funds, for the several departments, agencies, corpora-  
7       tions, and other organizational units of Government for  
8       fiscal year 2012, and for other purposes, namely:

1        SEC. 101. (a) Such amounts as may be necessary,  
2 at a rate for operations as provided in the applicable ap-  
3 propriations Acts for fiscal year 2011 and under the au-  
4 thority and conditions provided in such Acts, for con-  
5 tinuing projects or activities (including the costs of direct  
6 loans and loan guarantees) that are not otherwise specifi-  
7 cally provided for in this joint resolution, that were con-  
8 ducted in fiscal year 2011, and for which appropriations,  
9 funds, or other authority were made available in the fol-  
10 lowing appropriations Acts:

11            (1) The Department of Defense Appropriations  
12 Act, 2011 (division A of Public Law 112–10).

13            (2) The Full-Year Continuing Appropriations  
14 Act, 2011 (division B of Public Law 112–10).

15        (b) The rate for operations provided by subsection (a)  
16 is hereby reduced by 1.409 percent.

17        SEC. 102. (a) No appropriation or funds made avail-  
18 able or authority granted pursuant to section 101 for the  
19 Department of Defense shall be used for (1) the new pro-  
20 duction of items not funded for production in fiscal year  
21 2011 or prior years; (2) the increase in production rates  
22 above those sustained with fiscal year 2011 funds; or (3)  
23 the initiation, resumption, or continuation of any project,  
24 activity, operation, or organization (defined as any project,  
25 subproject, activity, budget activity, program element, and

1 subprogram within a program element, and for any invest-  
2 ment items defined as a P–1 line item in a budget activity  
3 within an appropriation account and an R–1 line item that  
4 includes a program element and subprogram element with-  
5 in an appropriation account) for which appropriations,  
6 funds, or other authority were not available during fiscal  
7 year 2011.

8 (b) No appropriation or funds made available or au-  
9 thority granted pursuant to section 101 for the Depart-  
10 ment of Defense shall be used to initiate multi-year pro-  
11 curements utilizing advance procurement funding for eco-  
12 nomic order quantity procurement unless specifically ap-  
13 propriated later.

14 SEC. 103. Appropriations made by section 101 shall  
15 be available to the extent and in the manner that would  
16 be provided by the pertinent appropriations Act.

17 SEC. 104. Except as otherwise provided in section  
18 102, no appropriation or funds made available or author-  
19 ity granted pursuant to section 101 shall be used to ini-  
20 tiate or resume any project or activity for which appro-  
21 priations, funds, or other authority were not available dur-  
22 ing fiscal year 2011.

23 SEC. 105. Appropriations made and authority grant-  
24 ed pursuant to this joint resolution shall cover all obliga-  
25 tions or expenditures incurred for any project or activity

1 during the period for which funds or authority for such  
2 project or activity are available under this joint resolution.

3       SEC. 106. Unless otherwise provided for in this joint  
4 resolution or in the applicable appropriations Act for fiscal  
5 year 2012, appropriations and funds made available and  
6 authority granted pursuant to this joint resolution shall  
7 be available until whichever of the following first occurs:  
8 (1) the enactment into law of an appropriation for any  
9 project or activity provided for in this joint resolution; (2)  
10 the enactment into law of the applicable appropriations  
11 Act for fiscal year 2012 without any provision for such  
12 project or activity; or (3) November 18, 2011.

13       SEC. 107. Expenditures made pursuant to this joint  
14 resolution shall be charged to the applicable appropriation,  
15 fund, or authorization whenever a bill in which such appli-  
16 cable appropriation, fund, or authorization is contained is  
17 enacted into law.

18       SEC. 108. Appropriations made and funds made  
19 available by or authority granted pursuant to this joint  
20 resolution may be used without regard to the time limita-  
21 tions for submission and approval of apportionments set  
22 forth in section 1513 of title 31, United States Code, but  
23 nothing in this joint resolution may be construed to waive  
24 any other provision of law governing the apportionment  
25 of funds.

1        SEC. 109. Notwithstanding any other provision of  
2 this joint resolution, except section 106, for those pro-  
3 grams that would otherwise have high initial rates of oper-  
4 ation or complete distribution of appropriations at the be-  
5 ginning of fiscal year 2012 because of distributions of  
6 funding to States, foreign countries, grantees, or others,  
7 such high initial rates of operation or complete distribu-  
8 tion shall not be made, and no grants shall be awarded  
9 for such programs funded by this joint resolution that  
10 would impinge on final funding prerogatives.

11        SEC. 110. This joint resolution shall be implemented  
12 so that only the most limited funding action of that per-  
13 mitted in the joint resolution shall be taken in order to  
14 provide for continuation of projects and activities.

15        SEC. 111. (a) For entitlements and other mandatory  
16 payments whose budget authority was provided in appro-  
17 priations Acts for fiscal year 2011, and for activities under  
18 the Food and Nutrition Act of 2008, activities shall be  
19 continued at the rate to maintain program levels under  
20 current law, under the authority and conditions provided  
21 in the applicable appropriations Act for fiscal year 2011,  
22 to be continued through the date specified in section  
23 106(3).

24        (b) Notwithstanding section 106, obligations for man-  
25 datory payments due on or about the first day of any

1 month that begins after October 2011 but not later than  
2 30 days after the date specified in section 106(3) may con-  
3 tinue to be made, and funds shall be available for such  
4 payments.

5 SEC. 112. Amounts made available under section 101  
6 for civilian personnel compensation and benefits in each  
7 department and agency may be apportioned up to the rate  
8 for operations necessary to avoid furloughs within such de-  
9 partment or agency, consistent with the applicable appro-  
10 priations Act for fiscal year 2011, except that such author-  
11 ity provided under this section shall not be used until after  
12 the department or agency has taken all necessary actions  
13 to reduce or defer non-personnel-related administrative ex-  
14 penses.

15 SEC. 113. Funds appropriated by this joint resolution  
16 may be obligated and expended notwithstanding section 10  
17 of Public Law 91–672 (22 U.S.C. 2412), section 15 of  
18 the State Department Basic Authorities Act of 1956 (22  
19 U.S.C. 2680), section 313 of the Foreign Relations Au-  
20 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
21 6212), and section 504(a)(1) of the National Security Act  
22 of 1947 (50 U.S.C. 414(a)(1)).

23 SEC. 114. (a) Except as provided in subsection (b),  
24 each amount incorporated by reference in this joint resolu-  
25 tion that was previously designated as being for contin-

1 gency operations directly related to the global war on ter-  
2 rorism pursuant to section 3(c)(2) of H. Res. 5 (112th  
3 Congress) and as an emergency requirement pursuant to  
4 section 403(a) of S. Con. Res. 13 (111th Congress), the  
5 concurrent resolution on the budget for fiscal year 2010,  
6 is designated by the Congress for Overseas Contingency  
7 Operations/Global War on Terrorism pursuant to section  
8 251(b)(2)(A) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985, except that such amount shall  
10 be available only if the President subsequently so des-  
11 ignates such amount and transmits such designation to  
12 the Congress. Section 101(b) of this joint resolution shall  
13 not apply to any amount so designated.

14 (b) Subsection (a) shall not apply to amounts for  
15 “Department of Justice—Federal Bureau of Investiga-  
16 tion—Salaries and Expenses”.

17 SEC. 115. During the period covered by this joint res-  
18 olution, amounts appropriated for fiscal year 2012 that  
19 were provided in advance by appropriations Acts shall be  
20 available at the rate for operations as provided in such  
21 Acts, reduced by the percentage in section 101(b).

22 SEC. 116. Notwithstanding section 101, amounts  
23 made available by this joint resolution for “Department  
24 of Defense—Operation and Maintenance—Operation and  
25 Maintenance, Air Force” may be used by the Secretary

1 of Defense for operations and activities of the Office of  
2 Security Cooperation in Iraq and security assistance  
3 teams, including life support, transportation and personal  
4 security, and facilities renovation and construction: *Pro-*  
5 *vided*, That the authority made by this section shall con-  
6 tinue in effect through the date specified in section 106(3)  
7 of this joint resolution: *Provided further*, That section  
8 9014 of division A of Public Law 112–10 shall not apply  
9 to funds appropriated by this joint resolution.

10 SEC. 117. Notwithstanding section 101, funds made  
11 available in title IX of division A of Public Law 112–10  
12 for “Overseas Contingency Operations” shall be available  
13 at a rate for operations not to exceed the rate permitted  
14 by H.R. 2219 (112th Congress) as passed by the House  
15 of Representatives on July 8, 2011.

16 SEC. 118. The authority provided by section 127b of  
17 title 10, United States Code, shall continue in effect  
18 through the date specified in section 106(3) of this joint  
19 resolution.

20 SEC. 119. The authority provided by section 1202 of  
21 the John Warner National Defense Authorization Act for  
22 Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412),  
23 as extended by section 1204(b) of the Duncan Hunter Na-  
24 tional Defense Authorization Act for Fiscal Year 2009  
25 (Public Law 110–417; 122 Stat. 4623), shall continue in



1 effect through the date specified in section 106(3) of this  
2 joint resolution.

3 SEC. 120. Notwithstanding section 101, amounts are  
4 provided for “Defense Nuclear Facilities Safety Board—  
5 Salaries and Expenses” at a rate for operations of  
6 \$29,130,000.

7 SEC. 121. Notwithstanding any other provision of  
8 this joint resolution, except section 106, the District of  
9 Columbia may expend local funds under the heading “Dis-  
10 trict of Columbia Funds” for such programs and activities  
11 under title IV of H.R. 2434 (112th Congress), as reported  
12 by the Committee on Appropriations of the House of Rep-  
13 resentatives, at the rate set forth under “District of Co-  
14 lumbia Funds—Summary of Expenses” as included in the  
15 Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act  
16 19–92), as modified as of the date of the enactment of  
17 this joint resolution.

18 SEC. 122. Notwithstanding section 101, amounts are  
19 provided for the necessary expenses of the Recovery Ac-  
20 countability and Transparency Board, to carry out its  
21 functions under title XV of division A of the American  
22 Recovery and Reinvestment Act of 2009 (Public Law 111–  
23 5), at a rate for operations of \$28,350,000.

24 SEC. 123. (a) Section 9(m) of the Small Business Act  
25 (15 U.S.C. 638(m)) shall be applied by substituting the

1 date specified in section 106(3) of this joint resolution for  
2 “September 30, 2011”.

3 (b) Notwithstanding section 9(n)(1)(A) of the Small  
4 Business Act (15 U.S.C. 638(n)(1)(A)), the Small Busi-  
5 ness Technology Transfer Program shall continue in effect  
6 through the date specified in section 106(3) of this joint  
7 resolution.

8 (c) Notwithstanding section 9(y)(6) of the Small  
9 Business Act (15 U.S.C. 638(y)(6)), the pilot program  
10 under section 9(y) of such Act shall continue in effect  
11 through the date specified in section 106(3) of this joint  
12 resolution.

13 SEC. 124. Section 8909a(d)(3)(A)(v) of title 5,  
14 United States Code, is amended by striking “September  
15 30, 2011” and inserting the date specified in section  
16 106(3) of this joint resolution.

17 SEC. 125. Notwithstanding any other provision of  
18 this joint resolution, effective on the date of the enactment  
19 of this joint resolution, of the unobligated balances re-  
20 maining available to the Department of Energy pursuant  
21 to section 129 of the Continuing Appropriations Resolu-  
22 tion, 2009 (division A of Public Law 110–329),  
23 \$500,000,000 is rescinded, \$774,000,000 is hereby trans-  
24 ferred to and merged with “Department of Homeland Se-  
25 curity—Federal Emergency Management Agency—Dis-

1 aster Relief”, and \$226,000,000 is hereby transferred to  
2 and merged with “Corps of Engineers-Civil—Flood Con-  
3 trol and Coastal Emergencies”: *Provided*, That the  
4 amounts made available by this section for the Corps of  
5 Engineers-Civil shall be for emergency expenses for repair  
6 of damage caused by the storm and flood events occurring  
7 in 2011: *Provided further*, That the amounts transferred  
8 by this section shall remain available until expended: *Pro-*  
9 *vided further*, That each amount transferred by this sec-  
10 tion is designated as an emergency pursuant to section  
11 3(c)(1) of H. Res. 5 (112th Congress) and as an emer-  
12 gency requirement pursuant to section 403(a) of S. Con.  
13 Res. 13 (111th Congress), the concurrent resolution on  
14 the budget for fiscal year 2010.

15 SEC. 126. (a) Notwithstanding section 101, amounts  
16 are provided for “Department of Homeland Security—  
17 Federal Emergency Management Agency—Disaster Re-  
18 lief” at a rate for operations of \$2,650,000,000: *Provided*,  
19 That the Secretary of Homeland Security shall provide a  
20 full accounting of disaster relief funding requirements for  
21 such account for fiscal year 2012 not later than 15 days  
22 after the date of the enactment of this joint resolution,  
23 and for fiscal year 2013 in conjunction with the submis-  
24 sion of the President’s budget request for fiscal year 2013.

1       (b) The accounting described in subsection (a) for  
2 each fiscal year shall include estimates of the following  
3 amounts:

4           (1) The unobligated balance of funds in such  
5 account that has been (or will be) carried over to  
6 such fiscal year from prior fiscal years.

7           (2) The unobligated balance of funds in such  
8 account that will be carried over from such fiscal  
9 year to the subsequent fiscal year.

10          (3) The amount of the rolling average of non-  
11 catastrophic disasters, and the specific data used to  
12 calculate such rolling average, for such fiscal year.

13          (4) The amount that will be obligated each  
14 month for catastrophic events, delineated by event  
15 and State, and the total remaining funding that will  
16 be required after such fiscal year for each such cata-  
17 strophic event for each State.

18          (5) The amount of previously obligated funds  
19 that will be recovered each month of such fiscal  
20 year.

21          (6) The amount that will be required in such  
22 fiscal year for emergencies, as defined in section  
23 102(1) of the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (42 U.S.C. 5122(1)).

1           (7) The amount that will be required in such  
2       fiscal year for major disasters, as defined in section  
3       102(2) of the Robert T. Stafford Disaster Relief and  
4       Emergency Assistance Act (42 U.S.C. 5122(2)).

5           (8) The amount that will be required in such  
6       fiscal year for fire management assistance grants, as  
7       defined in section 420 of the Robert T. Stafford Dis-  
8       aster Relief and Emergency Assistance Act (42  
9       U.S.C. 5187).

10       SEC. 127. Any funds made available pursuant to sec-  
11   tion 101 for the Department of Homeland Security may  
12   be obligated at a rate for operations necessary to sustain  
13   essential security activities, such as: staffing levels of oper-  
14   ational personnel; immigration enforcement and removal  
15   functions, including sustaining not less than necessary de-  
16   tention bed capacity; and United States Secret Service  
17   protective activities, including protective activities nec-  
18   essary to secure National Special Security Events. The  
19   Secretary of Homeland Security shall notify the Commit-  
20   tees on Appropriations of the House of Representatives  
21   and the Senate on each use of the authority provided in  
22   this section.

23       SEC. 128. The authority provided by section 532 of  
24   Public Law 109–295 shall continue in effect through the  
25   date specified in section 106(3) of this joint resolution.

1        SEC. 129. The authority provided by section 831 of  
2 the Homeland Security Act of 2002 (6 U.S.C. 391) shall  
3 continue in effect through the date specified in section  
4 106(3) of this joint resolution.

5        SEC. 130. Section 550(b) of the Department of  
6 Homeland Security Appropriations Act, 2007 (6 U.S.C.  
7 121 note) shall be applied by substituting the date speci-  
8 fied in section 106(3) of this joint resolution for “October  
9 4, 2011”.

10       SEC. 131. Sections 1309(a) and 1319 of the National  
11 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and  
12 4026) shall be applied by substituting the date specified  
13 in section 106(3) of this joint resolution for “September  
14 30, 2011”.

15       SEC. 132. Section 330 of the Department of the Inte-  
16 rior and Related Agencies Appropriations Act, 2001 (42  
17 U.S.C. 1701 note), concerning Service First authorities,  
18 shall continue in effect through the date specified in sec-  
19 tion 106(3) of this joint resolution.

20       SEC. 133. Notwithstanding section 101, section 1807  
21 of Public Law 112–10 shall be applied by substituting  
22 “\$374,743,000” for “\$363,843,000” and “\$10,900,000”  
23 for “\$3,000,000”.

24       SEC. 134. The second proviso of section 1801(a)(3)  
25 of Public Law 112–10 is amended by striking “appropria-

1 tion under this subparagraph” and inserting “appropria-  
2 tions made available by this Act”.

3 SEC. 135. Notwithstanding section 101, amounts are  
4 provided for “Federal Mine Safety and Health Review  
5 Commission—Salaries and Expenses” at a rate for oper-  
6 ations of \$14,510,000.

7 SEC. 136. Sections 399AA(e), 399BB(g), and  
8 399CC(f) of the Public Health Service Act (42 U.S.C.  
9 280i(e), 280i–1(g), 280i–2(f)) shall be applied by sub-  
10 stituting the date specified in section 106(3) of this joint  
11 resolution for “September 30, 2011”.

12 SEC. 137. Notwithstanding section 101, section 2005  
13 of division B of Public Law 112–10 shall be applied by  
14 substituting “\$0” for each dollar amount.

15 SEC. 138. The Export-Import Bank Act of 1945 (12  
16 U.S.C. 635 et seq.) shall be applied by substituting the  
17 date specified in section 106(3) of this joint resolution for  
18 “September 30, 2011” in section 7 of such Act.

19 SEC. 139. Section 209 of the International Religious  
20 Freedom Act of 1998 (22 U.S.C. 6436) shall be applied  
21 by substituting the date specified in section 106(3) of this  
22 joint resolution for “September 30, 2011”.

23 SEC. 140. Commitments to guarantee loans incurred  
24 under the General and Special Risk Insurance Funds, as  
25 authorized by sections 238 and 519 of the National Hous-

ing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed  
 a rate for operations of \$25,000,000,000: *Provided*, That  
 total loan principal, any part of which is to be guaranteed,  
 may be apportioned through the date specified in section  
 106(3) of this joint resolution, at \$80,000,000 multiplied  
 by the number of days covered in this joint resolution.

SEC. 141. (a) RENEWAL OF IMPORT RESTRICTIONS  
 UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF  
 2003.—

(1) IN GENERAL.—Congress approves the re-  
 newal of the import restrictions contained in section  
 3(a)(1) and section 3A (b)(1) and (c)(1) of the Bur-  
 mese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section  
 shall be deemed to be a “renewal resolution” for  
 purposes of section 9 of the Burmese Freedom and  
 Democracy Act of 2003.

(b) PAYGO COMPLIANCE.—The budgetary effects of  
 this section, for the purpose of complying with the Statu-  
 tory Pay-As-You-Go Act of 2010, shall be determined by  
 reference to the latest statement titled “Budgetary Effects  
 of PAYGO Legislation” for this section, submitted for  
 printing in the Congressional Record by the Chairman of  
 the House Budget Committee, provided that such state-  
 ment has been submitted prior to the vote on passage.



1       (c) EFFECTIVE DATE.—This section shall take effect  
2 on July 26, 2011.

3       (d) APPLICABILITY.—This section shall not be sub-  
4 ject to any other provision of this joint resolution.

5       This joint resolution may be cited as the “Continuing  
6 Appropriations Resolution, 2012”.

○